

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #18-09

Upper Pittsgrove Township, Salem County

WHEREAS, on December 31, 2008, Upper Pittsgrove Township, Salem County, petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation; and

WHEREAS, on February 7, 2009 Upper Pittsgrove Township ("Township") published notice of its petition in Today's Sunbeam which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period which ended April 16, 2009; and

WHEREAS, Upper Pittsgrove's fair share plan addresses a total 1987-2018 affordable housing obligation of 71 units, consisting of a four-unit rehabilitation share, a 27-unit prior round obligation and a 40-unit projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, COAH staff has reviewed the Township's Housing Element and Fair Share Plan, which is incorporated by reference herein; and

WHEREAS, the Township is located in Planning Areas (PA) 4, 4B & 5 and is not served by a public water supply and wastewater conveyance and treatment system; and

WHEREAS, the Township proposes to address its four-unit rehabilitation share with four rehabilitation credits; and

WHEREAS, the Township proposes to address its 27-unit prior round obligation with 11 credits for existing supportive housing units, 9 credits for proposed supportive housing units and 7 bonuses for supportive housing; and

WHEREAS, the Township proposes to address its 40-unit growth share obligation with 18 credits for proposed supportive housing units, credits for one completed and 10 proposed market to affordable housing units, 7 accessory apartments and 2 compliance bonus credits; and

WHEREAS, Upper Pittsgrove's proposed units will be provided through the following mechanisms: Supportive Housing-38 units, Inclusionary Zoning-two units, Market to Affordable 10-units and Accessory apartments-7 units; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on May 15, 2009 COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of Upper Pittsgrove's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH didn't receive any comments during this timeframe.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by Upper Pittsgrove comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.2(a), after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Upper Pittsgrove; and

BE IT FURTHER RESOLVED that after receiving final substantive certification, pursuant to N.J.A.C. 5:96-6.3(e), Upper Pittsgrove shall adopt all implementing Fair Share Ordinances within 45 days of this grant of substantive certification; and

BE IT FURTHER RESOLVED if Upper Pittsgrove fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Upper Pittsgrove shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Upper Pittsgrove shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Upper Pittsgrove's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Upper Pittsgrove's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in Upper Pittsgrove and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Upper Pittsgrove and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater; the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97- 3.2(a)4; or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing; then, the Council may direct Upper Pittsgrove to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Upper Pittsgrove shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Upper Pittsgrove's substantive certification shall remain in effect until December 30, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of the Upper Pittsgrove Township to provide for the realistic opportunity of its fair share of low- and moderate-income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on June 10, 2009

A handwritten signature in cursive script, reading "Renee Reiss". The signature is written in black ink and is positioned above the printed name and title.

Renee Reiss, Secretary
Council on Affordable Housing



***Council on Affordable Housing
Compliance Report
May 15, 2009***



Municipality: Upper Pittsgrove Township
County: Salem

COAH Region: # 6
Planning Area: # 4, 4B and 5
Special Resource Area: None

Housing Element and Fair Share Plan Adopted: December 18, 2008
Petition for 3rd Round Substantive Certification: December 31, 2008
Completeness Determination: February 18, 2009
Date of Publication: February 24, 2009

Objections Received: NO

Petition Includes:

VLA: No
GPA: No
Waiver: No **Section:**

Date of Site Visit: June 5, 2009

History of Approvals:

	COAH	JOC	N/A
First Round:			X
Second Round:	10/22/04 (Interim)		
Extended Certification:			

Plan Preparer: Sarah E. Birdsall, PP, AICP

Municipal Housing Liaison: Cheryl Bratty

Recommendation: Grant Substantive Certification

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	4
Prior Round Obligation	27
Projected Growth Share Obligation (Net)	40

ACTUAL GROWTH and GROWTH SHARE through (date)¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
25	5	20	1	6

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
Rehabilitation: 4 units				
Credits	Post-April 1, 2000	4		4
Rehabilitation Subtotal				4
NEW CONSTRUCTION:				
Prior Round: 27 units				
Credits	Post-1986	11		11
Proposed Mechanism(s)	Supportive and Special Needs		9	9
Prior Round Bonus(es)	Rental		7	7
Prior Round Subtotal				27
Growth Share: 40 units				
Credits	Post-1986	1		1
Proposed Mechanism(s)	Supportive and Special Needs		18	18
	Inclusionary Zoning	1	1	2
	Market to Affordable		10	10
	Accessory Apart.		7	7

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

Growth Share Bonus(es)	Compliance	1	1	2
Growth Share Subtotal				40
Surplus/Shortfall				---

I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Upper Pittsgrove's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation, and the growth share.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Upper Pittsgrove has a rehabilitation share of 4 units.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Upper Pittsgrove has a prior round obligation of 27.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Upper Pittsgrove has a residential projection of 99 units and a non-residential projection of 321 jobs, which results in an initial projected growth share obligation of 40 affordable units. (See Attachment A for Workbook A from the petition application) Upper Pittsgrove's total projected growth share for the period 1999-2018 is 40 affordable units consisting of a 20-unit projected residential growth share and a 20-unit projected non-residential growth share.²

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	4
Prior Round Obligation	27
Projected Growth Share Obligation (Net)	40

² Pursuant to N.J.A.C. 5:97-2.2(d), Upper Pittsgrove's residential projection of 99 is divided by 5 to yield 20 units and the nonresidential projection of 321 jobs is divided by 16 to yield 20 units. Upper Pittsgrove's total projected growth share is therefore 40 units (*res 20 + non-res 20*).

II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Upper Pittsgrove's Fair Share Plan, and the supporting documentation incorporated by reference therein, addresses the requirements of N.J.A.C. 5:97-3.1 as follows:

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

Upper Pittsgrove is requesting credit for four units rehabilitated subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Rehabilitation Credits

Rehabilitation Program	# Credits
Municipal Rehab Program, Small Cities Funding	4
TOTAL	4

Proposed Rehabilitation Program(s)

Upper Pittsgrove will not utilize a Rehabilitation Program at this time since it has met its rehabilitation obligation.

B. Plan to Address Prior Round Obligation

Prior Round Obligation Credits

Upper Pittsgrove is addressing a portion of its prior round obligation with 11 post-1986 credits and bonuses based on those credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Bancroft Neurohealth, 75 Sawmill Road	2003	Supportive and Special Needs	6BR	Rental	6	12
Bancroft Neurohealth, 71 Sawmill Road	2006	Supportive and Special Needs	5BR	Rental	1	6
TOTALS			11BR		7	18

Proposed Affordable Housing Mechanisms

Upper Pittsgrove proposes to address the remaining nine-unit prior round obligation through the following mechanisms:

Bancroft Neurohealth Residential Campus

Upper Pittsgrove will utilize part of the reconstruction of the Bancroft Neurohealth Residential Campus at 6 Commissioner's Pike, Block 29/Lot 4, to address nine units of its 27 unit prior round obligation. (The remainder included in growth share) The site is fully licensed by the New Jersey Department of Human Services, Division for the Developmentally Disabled (DDD) as Supervised Apartments. The total project calls

for the demolition and reconstruction of all 27 bedrooms in two phases with two buildings removed and replaced per phase. The first phase of the reconstruction of the campus has been approved by the Upper Pittsgrove Planning Board and construction is expected to start in 2009 with completion in 2011. The remaining approvals will follow shortly and are expected to give Bancroft the opportunity to provide more than 27 bedrooms. **[9-unit Supportive/Special Needs New Construction Program]**

Proposed Prior Round Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Bancroft Neurohealth Res. Campus, 6 Commissioner's Pike	Supportive and Special Needs	9			9
TOTALS		9			9

Prior Round Obligation Parameters

Upper Pittsgrove has satisfied the applicable Prior Round parameters as follows:

Prior Round Rental Obligation:³ 7 Units

Development/Project Name	Type of Affordable Unit	# Units
Bancroft Neurohealth, 75 Sawmill Road	Supportive and Special Needs	6
Bancroft Neurohealth, 71 Sawmill Road	Supportive and Special Needs	5
Bancroft Neurohealth, Resid. Campus	Supportive and Special Needs	9
TOTAL		20

³ Prior Round Rental Obligation: N.J.A.C. 5:97-3.10; .25(Prior Round Obligation – Prior Cycle Credits – Impact of 20 percent cap – Impact of the 1,000-unit limitation) or .25(27-0-0-0) = .25 (27) = 6.75 or 7 unit minimum

Prior Round Age-Restricted Maximum⁴ : 6 Units

Development/Project Name	Type of Affordable Unit	# Units
<i>None</i>		0
TOTAL		0

Prior Round Rental Bonus Maximum⁵ : 7 Units

Development/Project Name	Type of Bonus	# Bonuses
Bancroft Neurohealth, 75 Sawmill Road	S/SN Rental	6
Bancroft Neurohealth, 71 Sawmill Road	S/SN Rental	1
TOTAL		7

C. Plan to Address Projected Growth Share

Growth Share Obligation Credits

Upper Pittsgrove is addressing one unit of the 40-unit projected growth share obligation by using a Post-1986 credit from its pre-existing Market to Affordable Program. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

⁴ Age-Restricted Maximum = 25 percent (Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits - Impact of 20 percent cap – Impact of the 1,000-unit limitation – Transferred or Proposed RCA Units Addressing the Prior Round Obligation) = .25 (27 + 4 – 0 – 4 – 0 – 0 – 0) = .25(27) = 6.75 or 6 units.

⁵ No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation = 7; N.J.A.C. 5:97-3.5

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Market to Affordable, B. 18/ Lot 44	2007	Family sales	1	None	0	1
TOTALS			1		0	1

Proposed Affordable Housing Mechanisms

Upper Pittsgrove proposes to address the remaining 39-unit growth share obligation through the following mechanisms:

Supportive/Special Needs Housing

Bancroft Neurohealth Residential Campus

Upper Pittsgrove will utilize the remaining 18 (of 27) units of the proposed reconstruction of the Bancroft Neurohealth Residential Campus at 6 Commissioner's Pike, Block 29/Lot 4, (discussed above for Prior Round credit) to address part of the growth share obligation. The site is fully licensed by the New Jersey Department of Human Services, Division for the Developmentally Disabled (DDD). **[18-unit Supportive/Special Needs New Construction Program]**

Accessory Apartments

Upper Pittsgrove will rely on an accessory program to address seven units of its projected growth share obligation pursuant to N.J.A.C. 5:97-6.8. A draft accessory apartment ordinance has been prepared which permits these apartments in any residential district and permits more than one such apartment per lot. The ordinance does not restrict the number of bedrooms. The ordinance would limit the total number of accessory apartments under this program to 10. The ordinance must be adopted within 45 days of substantive certification.

Six sites have been identified for the program. The program would be established to meet all requirements of the applicable regulations. A municipality may receive credit up-front for up to 10 accessory apartment units, or an amount equal to a combined total of 10 percent of the fair share obligation, whichever is greater. The accessory apartments will be served by on-site wells and septic systems.

The Township will provide the minimum subsidy of \$20,000 for each moderate-income unit and \$25,000 for each low-income unit. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates. Upper Pittsgrove will fund the program with its affordable housing trust fund. The Township has submitted a spending plan and a resolution of intent to bond in the event of a shortfall in funding. Upper Pittsgrove has consistently contributed funds into the Housing Trust Fund for the implementation of its programs and will continue to do so into the future.

The units will be administered by the local Municipal Housing Liaison who has recently been appointed as the Administrative Agent as well. The person appointed will be completing all training required for Administrative Agents as soon as they are available. The progress of the training will be verified during substantive certification evaluation in two years. Pursuant to N.J.A.C. 5:97-6.9(e) Upper Pittsgrove has submitted an affirmative marketing plan and written operating manual for administering the program. The units must be affirmatively marketed and have the proper affordability controls, low/moderate split and rental pricing in accordance with UHAC. **[7-unit Accessory Apartment Program]**

Market to Affordable Program

Upper Pittsgrove has a previously approved market to affordable program which generated one unit which was referenced above for post-1986 credit. The Township proposes to continue the program for its growth share obligation with 10 additional units. Information was provided to verify that local real estate conditions conducive to this program are still present and in fact may be better due to falling values. The program proposes to provide all of the units as sales units for families. The Municipal Housing

Liaison/Administrative Agent will market and monitor the program. All applicable regulations including UHAC will be followed and thirty year affordability controls will be established. **[10-unit Market to Affordable Program]**

Inclusionary Development

Upper Pittsgrove's plan indicates that two units in an approved inclusionary development located at Block 6, Lots 19.15 and 19.20 will address a portion of the Township's growth share obligation. The Township requests two compliance bonuses. Pursuant to N.J.A.C. 5:97-3.17, Upper Pittsgrove is eligible to receive two units of credit for each affordable unit to be built on-site and included in a development that received preliminary or final subdivision or site plan approval, or was the subject of an executed redevelopment agreement, between December 20, 2004 and June 2, 2008. The Township indicates that UPLATT, LLC, applicant for Block 6, Lots 19.15 and 19.20 received final approval on January 17, 2008. The inclusionary zoning mechanism was included in a plan filed with COAH on December 15, 2005. **[Two affordable for sale units and two compliance bonuses]**

Proposed Growth Share Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Supportive/Special Needs Housing, New	Rental	18			18
Accessory Apartments	Family Rental	7			7
Market to Affordable	Family Sales	10			10
Inclusionary Zoning	Family Sales	2	Compliance	2	4
TOTALS		37		2	39

Growth Share Parameters

Upper Pittsgrove has satisfied the applicable Growth Share parameters as follows:

Growth Share Rental Obligation:⁶ 10 Units

Development/Project Name	Type of Affordable Unit	# Units
Municipal	Accessory Apartments	7
Bancroft Res. Campus	Supportive/Special Needs	18
TOTAL		25

Growth Share Family Rental Requirement⁷ : 5 Units

Development/Project Name	Type of Affordable Unit	# Units
Municipal	Accessory Apartments	7
TOTAL		7

Growth Share Minimum Family Requirement⁸ : 19 Units

Development/Project Name	Type of Affordable Unit	# Units
Municipal	Accessory Apartments	7
Market to Affordable	Family Sales	11
UPLATT, LLC	Family Sales	2
TOTAL		20

⁶ Projected Growth Share Rental Obligation: $.25(\text{Projected Growth Share})$ or $.25(40)=10$ units N.J.A.C. 5:97-3.10(b)3

⁷ Projected Growth Share Family Rental Requirement: $.5(\text{Projected Growth Share Rental Requirement})$ or $.5(10)=5$ units N.J.A.C. 5:97-3.4(b)

⁸ Projected Growth Share Family Requirement: $.5(\text{Growth Share -Bonuses})$ or $.5(40-2)=.5(38)+19$ units N.J.A.C. 5:97-3.9

Very Low Income Minimum Requirement⁹ : 5 Units

Development/Project Name	Type of Affordable Unit	# Units
Bancroft Res. Campus	Supportive/Special Needs	18
TOTAL		18

Age-Restricted Maximum¹⁰ : 10 Units

Development/Project Name	Type of Affordable Unit	# Units
<i>None</i>		0
TOTAL		0

Bonus Maximum¹¹: 10 Bonuses

Development/Project Name	Type of Bonus	# Bonuses
UPLATT, LCC.	Compliance	2
TOTAL		2

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units

⁹ Growth Share Very Low Income Requirement: $.13(\text{Growth Share} - \text{Bonuses})$ or $.13(40 - 2) = .13(38) = 4.94$ or 5 units pursuant to P.L.2008, c.46

¹⁰ Growth Share Age Restricted Maximum: 25 percent (Growth Share Obligation - Transferred or Proposed RCA Units Addressing the Growth Share Obligation), or $.25(40 - 0)$ or $.25(40) = 10$ units N.J.A.C. 5:97-3.8, (c), 2.

¹¹ Projected Bonus Maximum: $.25(\text{Projected Growth Share})$ or $.25(40) = 10$ units N.J.A.C. 5:97-3.20

constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Upper Pittsgrove has issued certificates of occupancy for 25 housing units and also for the nonresidential square footage equivalent of 20 jobs, yielding an actual growth share obligation through September 30, 2008, of six affordable units.¹²

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY
Rehabilitation Share: 4 Units

Program Name	Credits	Proposed	Total
Municipal Rehabilitation Program	4	0	4
TOTAL			4

PRIOR ROUND SUMMARY
Prior Round Obligation: 27 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits					
Post-1986 Credits	Supportive/Special Needs, 75 Sawmill	6	Rental	6	12
	Supportive/Special Needs, 71 Sawmill	5	Rental	1	6
Subtotal		11		7	18

¹² The number of residential COs (25) is initially divided by 5 to yield 5 units and the number of jobs (20) is initially divided by 16 to yield 1.25 units. Upper Pittsgrove's total actual growth share is therefore 6 units (*res 5 + non-res 1*). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

Proposed Mechanisms	Supportive/Special Needs, Bancroft Res. Campus	9			9
Subtotal		9		0	9
TOTAL					27
Surplus/Shortfall					0

GROWTH SHARE SUMMARY
Projected Growth Share Obligation: 40 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Post-1986 Credits	Market to Affordable	1			1
Subtotal		1			1
Proposed Mechanisms	Supportive/Special Needs, New Const.	18			18
	Accessory Apart.	7			7
	Market To Affordable	10			10
	Inclusionary Zoning	2	Compli.	2	4
Subtotal		37		2	39
TOTAL					40
Surplus/Shortfall					0

III. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

Upper Pittsgrove submitted a draft amended development fee ordinance for COAH's review and approval with its third round petition. The amended development fee ordinance will be reviewed by COAH in a separate report.

B. Third Round Spending Plan

Upper Pittsgrove's prior round spending plan was approved by COAH on November 17, 2004. A revised third round spending plan was submitted by Upper Pittsgrove with their third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

C. Affordable Housing Ordinance/Affordable Housing Administration

Upper Pittsgrove has submitted a revised draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which was amended on December 20, 2004. The draft proposed ordinance has also been amended to include the compliance with barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison has been adopted, Ordinance 2008-1, and a resolution appointing a municipal housing liaison was adopted by the Township Committee of Upper Pittsgrove on July 8, 2008.

Upper Pittsgrove is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township. The Township has expanded the role of their MHL to include administrative agent responsibilities. The appointee will begin administrative agent training immediately. Pursuant to N.J.A.C. 5:80-26.14(b), Upper Pittsgrove has submitted a written operating manuals for administering affordable units in the Accessory

Apartment and Market to Affordable Programs.

D. Affirmative Marketing Plan

Upper Pittsgrove has submitted an affirmative marketing plan that comports with the requirements of the UHAC and ensures all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by Upper Pittsgrove within 45 days of COAH's grant of substantive certification and submitted to COAH.

IV. MONITORING

Upper Pittsgrove must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Upper Pittsgrove's actual growth pursuant to N.J.A.C. 5:97-2.5. Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Upper Pittsgrove's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Upper Pittsgrove and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

V. RECOMMENDATION

COAH staff recommends that Upper Pittsgrove be granted third round substantive certification. Upper Pittsgrove must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.